



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

September 30, 2015

VIA EMAIL

Agreement No. BF 97228010  
Amendment No. 3

Richard Pucci  
Executive Director  
Middlesex County Improvement Authority  
101 Interchange Plaza  
Cranbury, NJ 08512

Subject: MCIA Brownfields Assessment Coalition Agreement

Dear Mr. Pucci:

This amendment extends the project period and budget period expiration dates to September 30, 2016 in accordance your letter dated July 13, 2015. This additional time will allow for the completion of approved work under this agreement. This amendment also approves the June 12, 2015 request for a re-budgeting of funds from the travel, supplies, contractual, and other cost categories to the personnel cost category, which is reflected in the budget summary. There is no change to the amount of funds awarded or the scope of work under this agreement. Please note Administrative Condition Number 1 has changed. All other Administrative and Programmatic Conditions remain unchanged and in effect.

Please note that EPA has eliminated the requirement for recipients to submit a signed Affirmation of Award for assistance agreements. An assistance agreement recipient demonstrates its commitment to carry out the award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or, 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. Please see the "Notice of Award" section of the agreement for more information. Due to this change, you are not required to sign and return a copy of the attached agreement. However, if you wish to file a notice of disagreement with the award terms and conditions, you must email your notice to [Region2\\_GrantApplicationBox@epa.gov](mailto:Region2_GrantApplicationBox@epa.gov). All email attachments must be sent in pdf format. Documents emailed to us in any other format cannot be accepted.

Sincerely,

A handwritten signature in dark ink, appearing to read "Roch Baamonde".

Roch C. Baamonde, Chief  
Grants and Audit Management Branch

Attachment

	<b>U.S. ENVIRONMENTAL PROTECTION AGENCY</b>  <b>Assistance Amendment</b>	GRANT NUMBER (FAIN): 97228010	
		MODIFICATION NUMBER: 3	
		PROGRAM CODE: BF	
		DATE OF AWARD 09/30/2015	
TYPE OF ACTION No Cost Amendment		MAILING DATE 09/30/2015	
PAYMENT METHOD: Advance		ACH# 20180	
RECIPIENT TYPE: Other		Send Payment Request to: Las Vegas Finance Center	
RECIPIENT:		PAYEE:	
Middlesex County Improvement Authority 101 Interchange Plaza, Suite 202 Cranbury, NJ 08512 EIN: 22-3111054		Middlesex County Improvement Authority 101 Interchange Plaza, Suite 202 Cranbury, NJ 08512	
PROJECT MANAGER		EPA PROJECT OFFICER	EPA GRANT SPECIALIST
Denise Nickel 101 Interchange Plaza, Suite 202 Cranbury, NJ 08512 E-Mail: denise.nickel@mciath.com Phone: 609-409-5002		Yocasta DeJesus 290 Broadway, ERRD/PSB New York, NY 10007-1866 E-Mail: dejesus.yocasta@epa.gov Phone: 212-637-4340	Regina Auletta Grants and Audit Management Branch, OPM/GAMB E-Mail: auletta.regina@epa.gov Phone: 212-637-3913
<b>PROJECT TITLE AND EXPLANATION OF CHANGES</b> MCIA Brownfields Assessment Coalition Agreement This amendment extends the project period and budget period expiration dates to September 30, 2016 in accordance with the request dated July 13, 2015. This additional time will allow for the completion of approved work under this agreement. This amendment also approves the June 12, 2015 request for a re-budgeting of funds from the travel, supplies, contractual and other cost categories to the personnel cost category, which is reflected in the budget summary. There is no change to the amount of funds awarded or the scope of work under this agreement. Please note Administrative Condition Number 1 has changed. All other Administrative and Programmatic Conditions remain unchanged and in effect.			
BUDGET PERIOD 10/01/2009 - 09/30/2016	PROJECT PERIOD 10/01/2009 - 09/30/2016	TOTAL BUDGET PERIOD COST \$1,000,000.00	TOTAL PROJECT PERIOD COST \$1,000,000.00
<b>NOTICE OF AWARD</b>			
Based on your Application dated 07/13/2015 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$. EPA agrees to cost-share 0.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$1,000,000. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.			
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)		AWARD APPROVAL OFFICE	
ORGANIZATION / ADDRESS		ORGANIZATION / ADDRESS	
Grants and Audit Management Branch 290 Broadway, 27th Floor New York, NY 10007-1866		U.S. EPA, Region 2 Emergency and Remedial Response Division 290 Broadway New York, NY 10007-1866	
<b>THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY</b>			
Digital signature applied by EPA Award Official Roch Baamonde - Grants Management Officer			DATE 09/30/2015

## EPA Funding Information

BF - 97228010 - 3      Page 2

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 1,000,000	\$	\$ 1,000,000
EPA In-Kind Amount	\$ 0	\$	\$ 0
Unexpended Prior Year Balance	\$ 0	\$	\$ 0
Other Federal Funds	\$ 0	\$	\$ 0
Recipient Contribution	\$ 0	\$	\$ 0
State Contribution	\$ 0	\$	\$ 0
Local Contribution	\$ 0	\$	\$ 0
Other Contribution	\$ 0	\$	\$ 0
Allowable Project Cost	\$ 1,000,000	\$ 0	\$ 1,000,000

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.818 - Brownfields Assessment and Cleanup Cooperative Agreements	CERCLA: Sec. 104(k)(2)	40 CFR PART 31

[illegible]

## Budget Summary Page

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$253,062
2. Fringe Benefits	\$0
3. Travel	\$7,931
4. Equipment	\$0
5. Supplies	\$2,100
6. Contractual	\$736,002
7. Construction	\$0
8. Other	\$905
9. Total Direct Charges	\$1,000,000
10. Indirect Costs: % Base	\$0
11. Total (Share: Recipient <u>100.00</u> % Federal <u>0.00</u> %.)	\$1,000,000
12. Total Approved Assistance Amount	\$0
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$0
15. Total EPA Amount Awarded To Date	\$1,000,000

## **Administrative Conditions**

**The following Administrative Condition has been revised. All other conditions remain in effect.**

### **1. UTILIZATION OF SMALL, MINORITY AND WOMEN'S BUSINESS ENTERPRISES**

#### **MBE/WBE REPORTING, 40 CFR, Part 33, Subpart E**

MBE/WBE reporting is required in annual reports. Reporting is required for assistance agreements where there are funds budgeted for procuring construction, equipment, services and supplies, including funds budgeted for direct procurement by the recipient or procurement under subawards or loans in the "Other" category that exceed the threshold amount of \$150,000, including amendments and/or modifications.

Based on EPA's review of the planned budget, this award meets the conditions above and is subject to the Disadvantaged Business Enterprise (DBE) Program reporting requirements. However, if recipient believes this award does not meet these conditions, it must provide the Grants Specialist with a justification and budget detail within 21 days of the award date clearly demonstrating that, based on the planned budget, this award is not subject to the DBE reporting requirements.

The recipient agrees to complete and submit a "MBE/WBE Utilization Under Federal Grants, Cooperative Agreements and Interagency Agreements" report (EPA Form 5700-52A) on an annual basis. All procurement actions are reportable, not just that portion which exceeds \$150,000.

When completing the annual report, recipients are instructed to check the box titled "annual" in section 1B of the form. For the final report, recipients are instructed to check the box indicated for the "last report" of the project in section 1B of the form. Annual reports are due by October 30<sup>th</sup> of each year. Final reports are due by October 30<sup>th</sup> or 90 days after the end of the project period, whichever comes first.

The reporting requirement is based on total procurements. Recipients with expended and/or budgeted funds for procurement are required to report annually whether the planned procurements take place during the reporting period or not. If no budgeted procurements take place during the reporting period, the recipient should check the box in section 5B when completing the form.

MBE/WBE reports should be sent to the Region 2 Grants Office's central mailbox ( [Region2\\_GrantApplicationBox@epa.gov](mailto:Region2_GrantApplicationBox@epa.gov)) with a courtesy copy to the grants specialist. The current EPA Form 5700-52A can be found at the EPA Office of Small Business Program's Home Page at [http://www.epa.gov/osbp/dbe\\_reporting.htm](http://www.epa.gov/osbp/dbe_reporting.htm)

This provision represents an approved deviation from the MBE/WBE reporting requirements as described in 40 CFR, Part 33, Section 33.502; however, the other requirements outlined in 40 CFR Part 33 remain in effect, including the Good Faith Effort requirements as described in 40 CFR Part 33 Subpart C, and Fair Share Objectives negotiation as described in 40 CFR Part 33 Subpart D and explained below.

### **GENERAL COMPLIANCE, 40 CFR, Part 33**

The recipient agrees to comply with the requirements of EPA's Disadvantaged Business Enterprise (DBE) Program for procurement activities under assistance agreements, contained in 40 CFR, Part 33.

### **FAIR SHARE OBJECTIVES, 40 CFR, Part 33, Subpart D**

A recipient must negotiate with the appropriate EPA award official, or his/her designee, fair share objectives for MBE and WBE participation in procurement under the financial assistance agreements.

In accordance with 40 CFR, Section 33.411 some recipients may be exempt from the fair share objectives requirements as described in 40 CFR, Part 33, Subpart D. Recipients should work with their DBE coordinator, if they think their organization may qualify for an exemption.

### **Accepting the Fair Share Objectives/Goals of Another Recipient**

The dollar amount of this assistance agreement, or the total dollar amount of all of the recipient's financial assistance agreements in the current federal fiscal year from EPA is \$250,000, or more. The recipient accepts the applicable MBE/WBE fair share objectives/goals negotiated with EPA by the **New Jersey Department of Environmental Protection** as follows:

- for New Jersey MBE: Construction: 5.3%
- for New Jersey WBE: Construction: 12.6%
  
- for New Jersey MBE: Equipment, Supplies and Services: 1.1%
- for New Jersey WBE: Equipment, Supplies and Services: 3.4%

By drawing down funds under this financial assistance agreement, the recipient is accepting the fair share objectives/goals stated above and attests to the fact that it is purchasing the same or similar construction, supplies, services and equipment, in the same or similar relevant geographic buying market as **New Jersey Department of Environmental Protection**.

### **Negotiating Fair Share Objectives/Goals, 40 CFR, Section 33.404**

The recipient has the option to negotiate its own MBE/WBE fair share objectives/goals. If the recipient wishes to negotiate its own MBE/WBE fair share objectives/goals, the recipient agrees to submit proposed MBE/WBE objectives/goals based on an availability analysis, or disparity study, of qualified MBEs and WBEs in their relevant geographic buying market for construction, services, supplies and equipment.

The submission of proposed fair share goals with the supporting analysis or disparity study means that the recipient is **not** accepting the fair share objectives/goals of another recipient. The recipient agrees to submit proposed fair share objectives/goals, together with the supporting availability analysis or disparity study, to the Regional MBE/WBE Coordinator within 120 days of its acceptance of the financial assistance award. EPA will respond to the proposed fair share objective/goals within 30 days of receiving the submission. If proposed fair share objective/goals are not received within the 120 day time frame, the recipient may not expend its EPA funds for procurements until the proposed fair share objective/goals are submitted.

### **SIX GOOD FAITH EFFORTS, 40 CFR, Part 33, Subpart C**

Pursuant to 40 CFR, Section 33.301, the recipient agrees to make the following good faith



efforts whenever procuring construction, equipment, services and supplies under an EPA financial assistance agreement, and to require that sub-recipients, loan recipients, and prime contractors also comply. Records documenting compliance with the six good faith efforts shall be retained:

- (a) Ensure DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local and Government recipients, this will include placing DBEs on solicitation lists and soliciting them whenever they are potential sources.
- (b) Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.
- (c) Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. For Indian Tribal, State and local Government recipients, this will include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.
- (d) Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.
- (e) Use the services and assistance of the SBA and the Minority Business Development Agency of the Department of Commerce.
- (f) If the prime contractor awards subcontracts, require the prime contractor to take the steps in paragraphs (a) through (e) of this section.

**CONTRACT ADMINISTRATION PROVISIONS, 40 CFR, Section 33.302**

The recipient agrees to comply with the contract administration provisions of 40 CFR, Section 33.302.

**BIDDERS LIST, 40 CFR, Section 33.501(b) and (c)**

Recipients of a Continuing Environmental Program Grant or other annual reporting grant, agree to create and maintain a bidders list. Recipients of an EPA financial assistance agreement to capitalize a revolving loan fund also agree to require entities receiving identified loans to create and maintain a bidders list if the recipient of the loan is subject to, or chooses to follow, competitive bidding requirements. Please see 40 CFR, Section 33.501 (b) and (c) for specific requirements and exemptions

**Programmatic Conditions**

**All programmatic Conditions remain the same.**